

103^D CONGRESS
1ST SESSION

H. R. 3226

To prohibit an individual or entity providing services under any Federal health program from refusing to provide services under such a program to an individual on the grounds that the individual has been a plaintiff in a medical malpractice liability action.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1993

Mr. FOGLIETTA introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Ways and Means, Post Office and Civil Service, Veterans' Affairs, Armed Services, and Natural Resources

A BILL

To prohibit an individual or entity providing services under any Federal health program from refusing to provide services under such a program to an individual on the grounds that the individual has been a plaintiff in a medical malpractice liability action.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Anti-Discrimination
5 in Health Care Act".

1 **SEC. 2. PROHIBITING PROVIDERS UNDER FEDERAL**
2 **HEALTH PROGRAMS FROM DENYING SERV-**
3 **ICES ON BASIS OF BENEFICIARY'S MAL-**
4 **PRACTICE HISTORY.**

5 (a) IN GENERAL.—No individual or entity providing
6 services for which payment may be made under any of
7 the Federal programs described in section 4 may refuse,
8 on the grounds that an individual has been a plaintiff in
9 a medical malpractice liability action, to provide any serv-
10 ices to such an individual if the individual is eligible to
11 receive such services under the program.

12 (b) MEDICAL MALPRACTICE LIABILITY ACTION DE-
13 FINED.—In subsection (a), the term “medical malpractice
14 liability action” means a civil action brought in a State
15 or Federal court against a health care provider or health
16 care professional in which the plaintiff alleges a claim that
17 injury was caused by the provision of (or the failure to
18 provide) health care services.

19 **SEC. 3. EXCLUSION FROM PARTICIPATION FOR VIOLA-**
20 **TIONS.**

21 (a) IN GENERAL.—If the director of a Federal pro-
22 gram described in section 4 determines that an individual
23 or entity providing services under the program has know-
24 ingly refused to provide services in violation of section
25 2(a), the director shall exclude such individual or entity
26 from participation in the program for such period of time

1 as the director considers appropriate, upon such reason-
2 able notice to the public and the individual or entity ex-
3 cluded as the director may specify in regulation.

4 (b) NOTICE; HEARING; JUDICIAL REVIEW; APPLICA-
5 TION FOR TERMINATION OF EXCLUSION.—The provisions
6 of subsections (f) and (g) of section 1128 of the Social
7 Security Act shall apply with respect to the exclusion of
8 individuals and entities under subsection (a) and the direc-
9 tors of the Federal programs described in section 4 in the
10 same manner as such provisions apply to the exclusion of
11 individuals and entities from participation in any program
12 under title XVIII of such Act and State health care pro-
13 grams (as described in section 1128(h) of such Act) and
14 the Secretary of Health and Human Services.

15 (c) DEVELOPMENT OF PROCESS FOR FILING COM-
16 PLAINTS.—The Administrator of the Health Care Financ-
17 ing Administration shall develop procedures under which
18 an individual eligible to receive services under a Federal
19 program described in section 4 may file a complaint with
20 the director of the program alleging that a participant in
21 the program has refused to provide services to the individ-
22 ual in violation of section 2(a).

23 **SEC. 4. FEDERAL PROGRAMS DESCRIBED.**

24 The Federal programs described in this section are
25 as follows:

1 (1) The health insurance program under title
2 XVIII of the Social Security Act.

3 (2) A State plan for medical assistance under
4 title XIX of the Social Security Act.

5 (3) The health benefit program for Federal em-
6 ployees under chapter 89 of title 5, United States
7 Code.

8 (4) Any program for the provision of hospital
9 care and medical services by the Department of Vet-
10 erans Affairs under chapter 17 of title 38, United
11 States Code.

12 (5) A program for the provision of services at
13 facilities of the Indian Health Service or at other fa-
14 cilities under the Indian Health Care Improvement
15 Act.

16 (6) The program authorized under sections
17 1079 and 1086 of title 10, United States Code.

18 (7) The program for providing medical care at
19 facilities of the uniformed services under title 10,
20 United States Code.

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